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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,472	11/09/2001	David Hohl	LIFE052	5648
24353	7590	06/01/2005	EXAMINER	
BOZICEVIC, FIELD & FRANCIS LLP 1900 UNIVERSITY AVENUE SUITE 200 EAST PALO ALTO, CA 94303			LIANG, REGINA	
		ART UNIT		PAPER NUMBER
				2674

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/008,472	HOHL ET AL.
	Examiner Regina Liang	Art Unit 2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 37-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 37-45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/21/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 37-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al (EP 0 733 963 hereinafter Jasinski) in view of Hoeksma (U.S. PAT. NO. 6,271,835).

As to claim 37, Jasinski discloses a device for data entry and display comprising a plurality of hard keys (alpha hard keys such as 17a, 17j in keypad 11 shown in Fig. 1) and a plurality of soft keys (37, 39 and 41), each hard key (key 17a for example) having a primary alphanumeric symbol (numeral "3") and a set of secondary alphanumeric symbols associated therewith (alpha characters "GHI"). Jasinski also discloses actuating a first hard key (17j for example), and displaying on the plurality of soft keys a set of the secondary alphanumeric symbols (alpha characters of key J, K, L display on the soft keys 39) from the actuated the hard key (col. 6, lines 15-26). Jasinski differs from the claim in that the plurality of soft keys are not provided on the keypad. However, Jasinski teaches each of the soft keys 37 including a corresponding the touch keys 41, actuating a touch key 41 actuates the corresponding pseudo key 39 to select the alpha character displayed on the pseudo key. Fig. 2 of Hoeksma teaches it is old and well known in the art that a data entry and display device having a plurality of soft keys having display thereon and provided on the keypad to be intuitive to a first time user since the input keys are re-labeled in manner which corresponds to their relative position within the

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selected input key (see the abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the soft keys of Jasinski to be provided on keypad as taught by Hoeksma to provide a keypad that is intuitive to a first time user since the input keys are re-labeled in manner which corresponds to their relative position within the selected input key; also it would provide a bigger work space within the screen.

As to claims 38-45, Figs. 2B-2E of Jasinski teaches actuating a second or nth hard key, displaying on the soft keys (39) a second set or nth set of the secondary alphanumeric symbols. Jasinski also teaches actuating a touch key 41 actuates the corresponding pseudo key 39 to select the alpha character displayed on the pseudo key, and display the selected alpha character on the display field.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

5/27/05